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General debate on national experience in population matters: new trends in migration — demographic aspects

Statement submitted by Fundación para Estudio e Investigación de la Mujer, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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Statement

Regarding the theme of migration, which is being considered by the Commission on Population and Development at its forty-sixth session, as an international non-governmental organization dedicated to defending the rights of women and girls since 1989, we call urgent attention to the specific issue of gender-based violence, especially sexual violence in situations of conflict, post-conflict or natural disasters, suffered by migrant and internally displaced women and girls. In such situations, women and girls are particularly vulnerable to rape and other forms of sexual violence, which are used as weapons to instil fear in and dominate civilian members of communities, where perpetrators often act with impunity.

Violence against women and girls is on the rise worldwide, and is a major violation of women's human rights and a primary impediment to the empowerment of women and girls. Gender-based violence against women and girls, including sexual violence, is fuelled by gender inequalities and requires urgent attention if it is to be eradicated.

On the basis of the work we have done with regard to addressing the multiple forms of gender-based violence that women and girls face in Latin America and the Caribbean, today we call attention to the specific emergency resulting from the use of sexual violence against women and girls as a weapon of war in situations of conflict, post-conflict and natural disasters.

Many countries in Latin America and the Caribbean, despite having experienced military dictatorship and transitioned back to democracy, continue to be home to conflicts related to militarization, armed groups, drug trafficking networks, human trafficking networks and weak democracies with inexistent or insufficient governmental accountability and transparency to uphold human rights, especially women's rights. It is in these contexts that women and girls are particularly vulnerable, since they are used as a target of gender-based violence perpetrated as a weapon of conflict.

Some of the most emblematic cases of conflict and post-conflict situations in the region today are Mexico and Colombia. In Mexico, women and girls are made to disappear, are raped and tortured, and femicide are especially prevalent in areas such as Ciudad Juarez and other cities characterized by the drug trade and related violence, impunity on the part of government authorities and a population with a high concentration of poor, female internal migrants. In such locations, women find themselves particularly vulnerable to gender-based violence, which is used as one of the arms of conflict. Yet, these multiple forms of violence against women continue to be invisible because of the violence, crime and impunity that exists throughout the country, according to the 2011 study entitled *Feminicidio en México: Aproximación, tendencias y cambios, 1985-2009*. In Colombia, armed conflict and the resulting displacement of a large part of the population have been found to affect women differently from men. As Amnesty International has indicated in *Colombia: Hidden from Justice. Impunity for Conflict-related Sexual Violence, a Follow-up Report*, what refuge there is in towns and cities is often insecure and displaced women are at greater risk of sexual violence. Most survivors of sexual violence are displaced when they are attacked or are forced to leave their place of residence after the attack. The numbers have not decreased. Colombia also has one of the highest femicide rates in South America, as highlighted by the Small Arms Survey in its

study entitled "Femicide: a global problem". The presence of armed conflict and other forms of violence and rights violations increase women's and girls' vulnerability to all forms of violence, including femicide, outside their family environment.

In Haiti, similar patterns of sexual violence against internally displaced women and girls have occurred as a result of the devastating earthquake that hit the country in January 2010. Although violence against women, including sexual violence, was prevalent before the earthquake, since then there has been a resurgence of such violence owing, in particular, to the presence of makeshift displacement camps with precarious living conditions that set the context for the rape and sexual harassment of women and girls. Young women and girls are most often the victims. Even before the earthquake, according to a 2007 report by Médecins Sans Frontières, 40 per cent of the victims in the 500 rape cases it treated were girls under the age of 18. Cases go unrecorded owing to a lack of reporting and care services. It has been found that fear of discrimination prevents victims, who are usually from the poorest classes, from filing con plaints. The lack of shelter and guidance for women has also been a problem in tracking cases and building trust with the victims.

To address this situation in Latin America and the Caribbean and in similar contexts worldwide, and to improve the health and uphold the human rights, including the rights to sexual and reproductive health and to live free from violence, of all women and girls, in particular the most vulnerable, including internally displaced women and migrant women, and in order to make progress in implementing the Programme of Action of the International Conference on Population and Development, Fundación para Estudio e Investigación de la Mujer urges all Governments to take the following measures:

- To reaffirm the importance of the implementation of the Programme of Action as an effective contribution to upholding the sexual and reproductive rights and the right to live free of all forms of violence, stigma and discrimination, as basic human rights, of all women and girls, especially migrant and internally displaced women and girls.

- To enact legal reforms to ensure that national and local laws promote and protect gender equality and the rights of all people to live free from discrimination, coercion and violence and that national and local laws, especially those addressing violence against women, are aligned with the international commitments and conventions signed by the Government, and to guarantee effective implementation of existing laws that are already in accordance with such commitments. Such laws must include concrete measures to eliminate all forms of discrimination and violence against women and girls, especially those facing greater vulnerability, including internally displaced and migrant women and girls (see the Programme of Action, paras. 4.4, 4.5 and 7.39, and the key actions for the further implementation of the Programme of Action (General Assembly resolution S-21/2, annex), para. 48).

- To put in place effective mechanisms to ensure a clear system for monitoring violations of the human rights of migrant and internally displaced populations, including cases of sexual violence against women and girls, to increase transparency in national and local justice systems in order to bring clarity to

investigation into cases of sexual violence against internally displaced and migrant women and to effectively enforce the applicable laws for the protection of their human rights to ensure victims' access to justice (see the key actions, para. 24 (a)).

- To address the causes of internal displacement, including natural disasters, armed conflict and forced resettlement, and to establish the necessary mechanisms to protect and assist displaced persons (see the Programme of Action, para. 9.21).

- To ensure that internally displaced persons receive basic education, employment opportunities, vocational training and health-care services, including sexual and reproductive health services (see the Programme of Action, para. 9.22). Providers of reproductive health services must be prepared to give comprehensive care to migrant and internally displaced women who are the victims of sexual violence (see the key actions, para. 52 (f)), including access to post-exposure prophylaxis for the prevention of HIV and other sexually transmitted infections, emergency hormonal contraception to avoid pregnancy, psychological support and legal counselling.